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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZIPIT WIRELESS, INC.,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,

Defendant.

No. 2:20-cv-01494-KM-JBC

STIPULATION AND [PROPOSED] ORDER STAYING LITIGATION

This stipulation is made between Plaintiff Zipit Wireless, Inc. (“Plaintiff” or “Zipit”) and Defendant LG Electronics U.S.A., Inc. (“Defendant” or “LG”) by and through their respective undersigned counsel, to temporarily stay this litigation pending the completion of the United States Patent and Trademark Office Patent Trial and Appeal Board’s (“PTAB”) *Inter Partes* Review (“IPR”) of the instituted claims of the two patents-in-suit;

WHEREAS, on August 30, 2019, Defendant filed petitions with the PTAB for *inter partes* review of claims 20, 21, and 24-30 of U.S. Patent No. 7,292,870, and claims 11, 12, 14-16, and 20 of U.S. Patent No. 7,894,837;

WHEREAS, on February 12, 2020, Plaintiff filed a complaint with the United States District Court for the District of New Jersey against Defendant alleging infringement of U.S. Patent No. 7,292,870 and U.S. Patent No. 7,894,837 (the “Complaint”);

WHEREAS, on March 9, 2020, the PTAB instituted an IPR, for claims 20, 21, and 24-30 of U.S. Patent No. 7,292,870 (Case No. 2019-01567), concluding that there is a reasonable likelihood that the petitioners will show that the claims are unpatentable;

WHEREAS, on March 10, 2020, the PTAB instituted an IPR for claims 11, 12, 14-16, and 20 of U.S. Patent No. 7,894,837 (Case No. 2019-01568), concluding that there is a reasonable likelihood that the petitioners will show that the claims are unpatentable;

WHEREAS, Defendant was served with the Complaint on March 11, 2020;

WHEREAS, Defendant has not yet filed a response to the Complaint, and the Court has not yet issued a scheduling order;

WHEREAS, the PTAB must issue its final determination in an IPR within 12 months of institution; *see* 35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c);

WHEREAS, a stay pending the final outcome of these IPRs may reduce and/or resolve many issues that would otherwise be before the Court;

WHEREAS, there is a need to conserve judicial and party resources;

NOW THEREFORE, Plaintiff and Defendant, by and through their respective undersigned counsel in this matter, and subject to the approval of the Court, stipulate and agree as follows:

1. The above-captioned action, including all pre-trial and trial deadlines, is hereby stayed until 30 days after the PTAB issues the final written decisions in both IPRs.

2. The parties shall file a joint status report with the Court within 30 days after the PTAB issues the final written decisions in both IPRs. For the avoidance of doubt, this stay does not limit Defendant's ability to make any motion in response to the Complaint if the case proceeds.

3. Either Party may move to lift the stay prior to the PTAB's final written decisions if circumstances change and the continuation of the stay would unduly prejudice or disadvantage the Party moving to lift the stay.

SO ORDERED, this ____ day of May, 2020.

Honorable Kevin McNulty

We hereby stipulate and consent to the form and entry of the within Order:

By: /s/ Serina M. Vash

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